

Design Memorandum No. 04-2005

TO: Engineering Offices and Divisions
Districts
Consulting Engineers

FROM: Mark S. Gaydos, P.E. – Design Engineer /s/

DATE: March 7, 2005

SUBJECT: Solicitation of Views Letter to the United States Army Corps of Engineers

Design Manual Reference:

Section II-04.01.01 and
Section II-05.05.06

 X Revision
 Supplemental

Introduction

The procedure for the solicitation of views (SOV) letter to the United States Army Corps of Engineers (Corps) has been changed. This memo provides guidance on that change.

Implementation

The use of this guidance is to be implemented immediately.

Guidance

The SOV letter to the Corps will be sent after the wetland delineation is complete. The wetland delineation will be attached to the letter, and the letter will request a jurisdictional determination of all the waters and wetlands contained within the project area. An electronic version of the SOV letter is available by referencing the NDDOT Design Manual online and accessing the Design Memorandums link.

If the Corps responds by stating no jurisdictional waters lie within the project area, no further action is necessary by the NDDOT. If the Corps responds by stating there are jurisdictional waters within the project area, then further action is necessary by the NDDOT. A copy of the Corps response is to be forwarded to the Design Division, Engineering and Environmental Section (EES) by the applicable NDDOT personnel or technical support. All correspondence from this point on should include the Corps project and permit numbers.

On projects where the Corps has stated that there are jurisdictional waters within the project area, the Corps will return the wetland delineation with the jurisdictional waters

delineated on the map. Using the Corps jurisdictional determination, the designer will determine if any project impacts lie within jurisdictional waters. A 404 permit is required for both permanent and temporary project impacts. If there are impacts within Corps jurisdictional waters, then a 404 permit will need to be applied for on the project. All necessary data, information, and, if applicable, the permit application will then be forwarded by the NDDOT designer or technical support to the EES immediately for the necessary action to obtain the 404 permit.

If the designer determines there are no impacts within Corps jurisdictional waters then no 404 permit will be required for the project. A copy of the determination is to be forwarded by the NDDOT designer or technical support to the EES immediately upon completion.

Applicable Milestone Activities

Activity

Solicitation of Views
Wetland Delineation - Office
Wetland Delineation - Field
404 Permit Information to Environmental
404 Permit Application to Environmental
404 Permit

Responsible Party

Environmental Document Author
Environmental Document Author
Engineering and Environmental Section
Designer (NDDOT)
Designer (Consultant)
Engineering and Environmental Section

Questions

Any questions regarding the content or implementation of this memorandum should be referred to the Design Division, Engineering and Environmental Section, 701-328-2130.

Approved

_____/s/_____
Francis G. Ziegler, P.E. – Director, Office of Project Development

3/30/05
Date